

identify ways in which one can apply for such positions.

Section 5. Consultation

The Department and Local 12 agree that Agency issues relating to this Article may be discussed during the ALMRC meetings. Department-wide issues, such as a periodic assessment of the Career Enhancement Program, will be discussed during the Department Labor-Management Relations Committee meetings.

Article 20

Equal Employment Opportunity

Section 1. Statement of Purpose

a. The Department and Local 12 recognize that the mere declaration not to discriminate in employment is not enough to ensure equality of opportunity. Therefore, the parties agree that positive steps must be taken to provide equality of opportunity for all employees and to prohibit any discrimination because of race, color, sex, national origin, religion, age, marital status, political affiliation, disability, or status as a veteran.

b. The Department and Local 12 agree to cooperate in providing equal opportunity for employment and promotion to all qualified persons, to cooperate in ending discrimination, and to promote the full realization of equal employment opportunity through a positive and continuing effort.

Section 2. Management Commitment

a. The parties agree to work cooperatively to design and implement programs designed to achieve the fullest utilization of employee skills and potential on

an equal basis. In this regard, such programs should be designed and implemented according to law and applicable higher-level regulations such as 42 U.S.C. 2000e-16; 29 U.S.C. 633a; 29 U.S.C. 791 and 794a; 29 U.S.C. 206(d); 5 U.S.C. 2302(b); 29 CFR 1613 et seq.; 29 CFR 1607 et seq., and/or any agreements mutually acceptable to both parties.

b. The Department is committed to providing a workplace free of a "glass ceiling" in the Department of Labor. A "glass ceiling" is defined as those barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into Management-level positions. The Department agrees to work to identify and ultimately eliminate any such workplace barriers which may exist at the Department of Labor.

c. The Department will assure equality of opportunity for current personnel and agrees that the application of equal employment principles and practices will include taking appropriate steps to assure equality for present employees. In addition, the Department shall conduct a continuing program for recruitment of minority group members and women for positions in the Department to carry out the policy of eliminating underrepresentation. The Agencies will direct special efforts at recruiting in minority group communities; in women's organizations; in educational institutions with a significant representation of women and minorities; and from other sources from which members of minority groups and women can be recruited.

d. The Department agrees to provide the maximum opportunity within available resources and

quarterly report to the Secretary. DCR will include the Local 12 concerns in its quarterly report and will provide Local 12 with a copy of the portion of the report which conveys these concerns.

Section 6. Affirmative Employment Plans and Programs

- a. The Department shall review any employment practice or policy which has a disproportionate impact on members of minority groups and women with a view toward its elimination or validation.
- b. The Department shall develop a results-oriented program for affirmative employment to resolve problems of underutilization and underrepresentation of members of minority groups, women, and persons with disabilities. The affirmative employment plan will be developed in accordance with Equal Employment Opportunity Commission (EEOC) and Office of Personnel Management (OPM) guidelines.
- c. Union input on the development of the Agency Affirmative Employment Plans shall be provided through the Agency EEO Committee or the ALMRC. The Union can also use this forum to raise any other EEO concerns such as underrepresentation in specific Agencies or occupations. Such discussions could include possible steps to resolve these issues. Such steps may include affirmative recruiting, additional training, or goals and timetables. At the conclusion of these discussions Management will provide a response to the Union concerning what appropriate action, if any, Management intends to take to address the Union's concerns.
- d. The Department will provide Local 12 with a copy of the Department's Affirmative Employment Plan.

98

Upon request by an employee, the Department shall make available for review the employee's Agency's Affirmative Employment Plan.

Section 7. Complaint Processing

- a. The Department agrees to carefully, justly, and expeditiously consider and adjudicate complaints of discrimination filed through the EEO administrative complaint process or the negotiated grievance procedure. The Department and Local 12 agree to cooperate in attempting to bring about informal resolution of complaints.
- b. Persons who allege discrimination or who participate in the presenting of such complaints will be free from restraint, interference, coercion, discrimination, or reprisal.
- c. An employee may raise a complaint of discrimination through the Department's EEO administrative complaint process or through the negotiated grievance procedure, but not both. An employee shall be deemed to have exercised this option when the matter that gave rise to the allegation of discrimination is made the subject of a timely filed grievance or a formal EEO complaint, whichever event occurs first. Consultation with an EEO counselor pursuant to 29 C.F.R. 1613.213 does not constitute filing a formal EEO complaint.
- d. Under the EEO administrative complaint process, a complainant has the right to be accompanied, represented, and advised by a representative of her/his choosing at any stage of the complaint process, except where there is a conflict of interest or position.
- e. The Department shall notify Local 12 of all

99

proposed remedial or corrective actions which impact on bargaining unit employees, to be taken as the result of informal or formal resolution of EEO complaints filed under the EEO administrative complaint process.

Section 8. Special Emphasis Programs

- a. Whenever Management meets with special emphasis program committees (for example, the Federal Women's Program and Hispanic Employment Program Committees) concerning matters which affect personnel policy and practices and other matters affecting working conditions of employees in the bargaining unit, Local 12 shall be informed in advance and have an opportunity to be present and participate at such meetings.
- b. Special emphasis program managers and EEO counselors will be available and accessible to all employees in the bargaining unit.

Section 9. Meetings with Interest Groups on EEO Matters

- a. Management may from time to time meet with outside groups or associations (for example, the NAACP, Urban League, LULAC, GI Forum, IMAGE, NOW, FEW, and SER) concerning EEO matters that affect personnel policy and practices and other matters affecting working conditions of employees in the bargaining unit. Local 12 shall be informed in advance and shall have an opportunity to be present at such meetings.
- b. Management may from time to time engage in consultation or dealings with religious, social, fraternal, professional, or other lawful associations, not qualified as labor organizations, with respect to matters or policies which involve individual

applicability to them or their members provided that such consultation or dealing shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy covering employees in the bargaining unit, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

- c. Whenever Management meets with advocacy groups (for example, Hispanic American Cultural Effort (HACE) or Blacks In Government (BIG)) concerning matters which affect personnel policy and practices and other matters affecting working conditions of employees in the bargaining unit, Local 12 shall be informed in advance and have an opportunity to be present and participate at such meetings.
- d. This Section does not apply to meetings with individual employees concerning individual complaints of discrimination.

Article 21

Temporary and Probationary Employees

Section 1. Temporary Employees

- a. This Section applies to temporary employees whose appointments are for more than six (6) months. Such employees are in the bargaining unit.
- b. Barring exceptional circumstances beyond Management's control, temporary